

Subpart B—General Application, Selection and Award Procedures Applications

APPLICATIONS

§ 1180.30 Publication of an application notice; content of the notice.

Each fiscal year the Director publishes application notices in the FEDERAL REGISTER that explain what kind of assistance is available that fiscal year under the Act.

§ 1180.31 Information in the application notice.

(a) The application notice usually includes:

- (1) How an applicant can get an application packet containing detailed information about the program including an application form;
 - (2) Where an applicant must send its application;
 - (3) The amount of funds available for grants;
 - (4) The approximate number of grants the Institute expects to make under the program;
 - (5) The expected cap on grant(s) that may be applied for;
 - (6) Any priorities established by the Institute for that year;
 - (7) A reference to the applicable regulations.
- (b) [Reserved]

§ 1180.32 Deadline date for applications.

(a) The application notice sets deadline date for applications to be postmarked or hand delivered to the Institute. The applicant shall:

- (1) Mail the application to the address specified in the application notice on or before the deadline date; or
 - (2) Hand deliver the application to the address specified in the application notice by 4:30 p.m. (Washington, DC time) on deadline date.
- (b) An applicant must be prepared to show one of the following as proof of timely mailing:
- (1) A legibly dated U.S. Postal Service postmark.
 - (2) A legible mail receipt with the date of mailing stamped by the U.S. Postal Service.

(3) A dated shipping label, invoice, or receipt from a commercial carrier.

(4) Any other dated proof of mailing acceptable to the Director.

(c) If an application is mailed through the U.S. Postal Service, the Director does not accept either of the following as proof of mailing:

- (1) A private metered postmark.
- (2) A mail receipt that is not date cancelled by the U.S. Postal Service.

§ 1180.33 Applicants must meet procedural rules.

The Director is authorized to make a grant only to an eligible applicant that submits a complete application, including attachments, on or before the deadline.

§ 1180.34 Number of copies.

Each applicant shall submit an original and four copies of its application to the Institute.

§ 1180.35 Group applications.

(a) Eligible museums may apply as a group for a project grant.

(b) If a group of museums applies for a grant, the members of the group shall either:

- (1) Designate one member of the group to apply for the grant; or
 - (2) Establish a separate, eligible legal entity, consisting solely of the museum group, to apply for the grant.
- (c) The members of the group, or entity, shall enter into an agreement that:

- (1) Details the activities that each member of the group plans to perform; and
 - (2) Binds each member of the group to every statement and assurance made by the applicant in the application.
- (d) The applicant shall submit the agreement together with its application.

(e) If the Director makes a grant to a group of eligible museums, the applicant for the group is the grantee and is legally responsible for:

- (1) The use of all grant funds; and
 - (2) Ensuring that the project is carried out by the group in accordance with applicable Federal laws, regulations, and requirements.
- (f) Each member of the group is legally responsible for:

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(1) Carrying out the activities it agrees to perform; and

(2) Using the funds it receives under the agreement in accordance with applicable Federal laws, regulations, and requirements.

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SELECTION AND AWARD PROCEDURES

§ 1180.36 Rejection of an application.

(a) The Director rejects an application if:

- (1) The applicant is not eligible;
- (2) The applicant fails to comply with procedural rules that govern the submission of the application;
- (3) The application does not contain the information required;
- (4) The application cannot be funded under the authorizing statute or implementing regulations.

(b) If the Director rejects an application under this section, the Director informs the applicant and explains why the application was rejected.

§ 1180.37 Rejection for technical deficiency—appeal; reconsideration; waiver.

(a) An applicant whose application is rejected because of technical deficiency may appeal such rejection in writing to the Director within 10 days of postmark of notice of rejection.

(b) If an application was rejected because material did not accompany the application, the Director shall reconsider the application upon receipt of material in a timely manner.

(c) As has always been the practice of IMLS, the Director waives the requirement in these regulations of certain records under circumstances which would require such waivers where the regulations specifically provide for waiver. (See § 1180.51(b) (Pub. L. 97–394))

§ 1180.38 How grants are processed.

(a)(1) The Director may use one or more groups of experts or readers to evaluate eligible applications.

(2) Each group consists of three or more qualified persons.

(3) In each group there must be at least one person who is not an employee of the Federal Government.

(4) A person may not serve as a member of a group of experts or readers if the person is an employee of the Institute who is regularly involved in grants processing; however, the Director may sign a waiver for such person and that person may serve as a member of a group of experts or readers.

(b) When the director uses a group of experts or readers, the group of experts or readers uses the applicable evaluation criteria set forth in the Regulations to evaluate each application.

(c) After the groups of experts or readers have evaluated the applications, a rank ordering of the application is prepared. The rank ordering of the eligible applications is based solely on the evaluations of the applications by the groups of experts.

(d) Subject to § 1180.12, the Director, in consultation with the Board, then determines the order in which applications will be selected. The Director makes these determinations on the basis of the evaluation criteria and any priorities or other program requirements that have been published in the FEDERAL REGISTER. The Director may consider the following in making these determinations:

- (1) The application.
- (2) The rank ordering of the applications.
- (3) Any other information relevant to applicable criteria, priorities, or any other applicable information or requirements. (Cross reference. See § 1180.12)

§ 1180.39 Applications not selected for funding.

If an application is not selected for funding, the Director informs the applicant.

§ 1180.40 [Reserved]

§ 1180.41 The cost analysis; basis for grant amount.

Before the Director sets the amount of a grant, a cost analysis of the project is made which involves an examination of:

- (a) The cost data in the detailed budget for the project;
- (b) Specific elements of cost; and